

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

CASE NO. 8:23CR187

Plaintiff,

**UNOPPOSED MOTION TO  
CONTINUE TRIAL**

vs.

NICHOLAS MURPHY,

Defendant.

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COMES NOW, Defendant, Nicholas Murphy, by and through legal counsel, Mallory N. Hughes and Stuart J. Dornan, and respectfully moves this Court for an Order continuing the jury trial in this matter, currently scheduled for January 9, 2024, to a date on or after May 3, 2024, which is available to the Court, AUSA Lecia Wright, and Counsel for Defendant, Hughes and Dornan, for the following, good cause reasons:

1. The Government filed a Motion in Limine, asking the Court to admit evidence and testimony from up to four (4) witnesses, pursuant to *404*, *413* and *414*;
2. Counsel for Defendant filed a Brief in Opposition to the same, and requested an evidentiary hearing;

3. The parties agree that a hearing on said issues will take 1-2 days to complete;
4. The parties have cleared dates of April 3-4, 2024, for a hearing on the Government's Motion and Defendant's Brief in Opposition to the same;
5. In order for the parties to have an opportunity to submit post-hearing briefs, for the Court to take the matter under advisement and issue a ruling on the Motion, and the parties to then prepare trial strategy accordingly, the parties are seeking a continuance of jury trial to a date not sooner than May 3, 2024;
6. Counsel for Defendant has conferred with Defendant regarding these issues, and Defendant agrees with a continuance and further understands and agrees that the time between Defendant's request herein and the new trial date shall be tolled for purposes of Speedy Trial. Defendant hereby waives his Speedy Trial Right during the timeframe of December 14, 2023, until such date that this matter is set for jury trial;
7. Counsel for Defendant has conferred with AUSA Lecia Wright, and she has no objection to Defendant's requests herein; and
8. Counsel for Defendant and AUSA Wright respectfully request that any proposed date(s) for the continued jury trial in this matter be sent to the parties by the courtroom deputy prior to formalizing the same into an Order, to ensure that Ms. Wright, Ms. Hughes and Mr. Dornan are all available for jury trial during that week.

WHEREFORE, Defendant respectfully moves this Court for an Order continuing the jury trial in this matter to a date on or after May 3, 2024, which is available to the Court, AUSA Lecia Wright, and Counsel for Defendant, Hughes and Dornan.

Dated this December 14, 2023.

Respectfully submitted,  
Nicholas Murphy, Defendant

/s/ Mallory N. Hughes  
Mallory N. Hughes, #24612  
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Counsel for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon Assistant U.S. Attorney Lecia Wright, by electronically serving a copy of the same via CM/ECF, on December 14, 2023.

/s/ Mallory N. Hughes  
Mallory N. Hughes, #24612